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The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BENNY SOUDER, JAMES STAMOS, LIK WONG,
JOHN CIMINSKI, ANAND LAKSHMINATH, and ALAN
DOWNING

Appeal 2009-005387
Application 10/718,747
Technology Center 2100

Decided: June 24, 2010

Before JAMES D. THOMAS, CAROLYN D. THOMAS, and STEPHEN C.
SIU, *Administrative Patent Judges*.

J. THOMAS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134 (a) from the Examiner's final rejection of claims 1 through 9, 18 through 31, and 40 through 44. Claims 10 through 17 and 32 through 39 stand withdrawn. We have jurisdiction under 35 U.S.C. § 6 (b).

We affirm.

Invention

As illustrated in figures 1 through 5, Appellants have invented methods for automatically provisioning data in a distributed database system utilizing database server transfers of tablespaces from one database to another as well as automatic synchronization of them.

Representative Claim

1. A method for automatically provisioning data in a distributed database system, the method comprising computer-implemented steps of: a database server causing a tablespace to be transported from a first file system to a second file system; and after transporting said tablespace to said second file system, said database server importing said tablespace into a local database managed by said database server.

Prior Art and Examiner's Rejections

The Examiner relies on the following references as evidence of anticipation and unpatentability:

Wang	5,758,345	May 26, 1998
Bridge, Jr.	6,272,503 B1	Aug. 7, 2001

Claims 1 through 6, 18 through 28, and 40 through 44 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bridge. This reference is utilized along with Wang to reject claims 7 through 9 and 29 through 31 under 35 U.S.C. § 103.

Claim Groupings

Based upon Appellants' arguments in the principal Brief, corresponding arguments are presented as to independent claims 1 and 18, and separate arguments are presented as to dependent claims 3, 20, 21, and 22 within the rejection under 35 U.S.C. § 102(b). Within the rejection under 35 U.S.C. § 103, Appellants consider dependent claim 7 as representative.

ISSUE

Did the Examiner err in finding that Bridge anticipates the subject matter correspondingly claimed in independent claims 1 and 18 on appeal?

ANALYSIS

We refer to, rely on, and adopt the Examiner's findings and conclusions set forth in the Answer. Our discussions will be limited to the following points of emphasis.

The first sentence of Bridge's Abstract indicates that a database containing data files is partitioned into a set of tablespaces. The discussion in Bridge beginning at column 5, line 24 indicates that his invention relates to the use of computer system 100 in figure 1 to transfer data between databases. The paragraph bridging columns 9 and 10 indicates that a target

computer may exist at another site where the database for information to be transferred into is located. Although Bridge does not appear to utilize the term "database server" per se, we thus strongly disagree with Appellants' assertions and pages 3 through 5 of the principal brief on appeal that Bridge's teachings, from an artisan's perspective, do not consider the database transfers in Bridge to be accomplished by database servers.

Bridge also teaches, beginning at column 5, line 40 and repeated beginning at column 9, line 20, the existence of tablespaces and data files within databases. Figure 2 illustrates data files within the database 200. Correspondingly, Bridge's showings in figures 4, 8, 9, and 10 illustrate tablespaces as well as data files within the same respective databases in these figures. Thus, a person of ordinary skill in the art would consider the term "tablespace" in independent claim 1 to be art equivalent to the claimed "set of one or more files" in independent claim 18.

Turning to dependent claim 3, if we assume for the sake of argument that the term "said routine" in dependent claim 3 directly refers to properly recited antecedent terminology in independent claim 1, the argued absence of a database language within bridge is misplaced. Appellants' own specification in paragraph [0027] indicates that data may be transported using a well-known file transfer protocol called FTP, which is correspondingly taught in a general manner at column 14, lines 33 through 35 of Bridge. Appellants argue a database language at page 6 of the Appeal Brief characterized as PL/SQL which is admitted prior art as taught at Appellants' Specification paragraph [0035].

We turn now to the features of independent claim 20. Bridge teaches throughout his patent the use of metadata associated with the transfer of data files from one database to another. An example is the topic heading of metadata at the bottom half of column 12 of Bridge.

As to dependent claim 21, the paragraph bridging columns 9 and 10 of Bridge indicates the creation of a local copy or temp file or a working directory which amounts to the claimed backup files of this claim. The use of the claimed backup files reflects the conventional use of a copy functionality such as that illustrated in figures 12(a) and 13(a). Use of recovery logs is taught in the paragraph bridging columns 6 and 7 of Bridge as noted by the Examiner with respect to the features of the defendant claimed 22. The features of concurrency control, the discussion of which begins in the topic heading at column 8 through the end of Bridge relates to the copying/updating of changes resulting from additions or deletions of data files from tablespaces in a database and the process of exporting them from a database and correspondingly importing data files received by a target database system. The various portions of figure 12 in Bridge relate to the operation of unplugging a set of tablespaces for exporting from a database, whereas the portions of figure 13 relate to the operation of plugging or importing a set of tablespaces into a database.

These teachings in Bridge with respect to dependent claims 20 through 22 also provide a backdrop and additional basis for the separate rejection of the dependent claim 7 within 35 U.S.C. § 103. This claim relates

to the feature of importing a copy of a tablespace wherein this copy is different than the tablespace itself, reflecting a change/the need to update all related tablespaces. The teaching at column 14, line 15 of Bridge indicates the need to periodically refresh tablespaces in a data warehouse type of database system. Thus, the artisan would appreciate within Bridge alone the need to synchronize or otherwise make sure the same data applies for a given tablespace or data file within plural databases.

To the extent Appellants' arguments as to dependent claim 7 beginning at page 9 of the principal Brief may be interpreted as arguing the improper combinability of the teachings of Wang to those in Bridge, "the combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *KSR Int'l Co. v. Teleflex, Inc.*, 550 U. S. 398, 416 (2007). Wang teaches data transfers between databases in figures 1 and 2 of this reference. Appellants have not challenged in the principal brief the Examiner's reliance upon specific portions of Wang, particularly the teachings in the paragraph bridging columns 14 and 15 of this reference. The teachings of synchronizing data here in this reference correspond to and dovetail with the corresponding teachings of concurrency and the like we noted earlier in Bridge.

CONCLUSION AND DECISION

Appellants have not shown that the Examiner erred in finding that Bridge teaches database servers corresponding to the features recited in independent claims 1 and 18 on appeal, as well as the features argued with respect to dependent claims 3, 7, and 20 through 22. Therefore, the

Appeal 2009-005387
Application 10/718,747

Examiner's rejections of various claims on appeal under 35 U.S.C. § 102(b) as well as under 35 U.S.C. § 103 are affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

erc

HICKMAN PALERMO TRUONG & BECKER/ORACLE
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110-1083